

1897-004 Chancery Causes, Adms. of N.C. Parsons vs. Samuel Tritt &c
Lee Co.

Jessie, Russell

CA-Debt

T-Property

To the Hon. W. J. Miller Judge of
the Circuit Court of Lee County
Virginia-

The Bill of Complaint of
H. J. Russell and J. C. Jesse administrators of the estate of M. C
Parsons deceased, who humbly
complaining would respectfully
represent that on the 7th day
of March 1887, one Samuel Trett
executed his bond, to their decedent
and dated that day, whereby he
the said Trett agreed and bound
himself to pay to your orators
decedent, on or before the first
day of March 1895, with interest
from Jan 1st 1888, the sum of one-
thousand dollars and as to the
payment thereof waived the
benefit of his homestead exemp-
tion.

Upon this bond there has been
several payments viz.

1889	Jan 1	Credit	\$60.00
"	Apr 24	" "	40.00
1890-	Sept 11	" "	67.50
1891	Feb. 3	" "	100.00
1893.	Jan. 1	" "	100.00
" "	Feb 13	" "	100.00
1894	" 7	" "	60.00
1895-	March 5	" "	40.00
" "	Aug 28	" " J. H. H. note.	28.20.

The residue of said ~~note~~^{bond} about the sum of \$870.⁰⁰ is still unpaid and now due your orators.

This said bond was, was so executed as shown upon its face as a part payment of a tract of land situated in this County, whereon the said Trett now resides. The said bond & the Credit thereon ~~is~~^{is} herewith filed marked "B" and is prayed to be considered as part thereof.

The said M. C. Parsons died during his lifetime convey said land to said Trett although he has good title thereto, but he retained the same as security for the payment thereof.

Your orators are advised that the said Parsons had a lien as vendor upon said land which now vests in them and may be enforced for the payment thereof.

The object of this bill therefore is to have a decree against said Trett for the amount found due your orators that said vendors lien be first enforced against said land and a sufficiency thereof sold to pay the same and the costs of this suit; and en

its failure to pay the same then that
the said Trett be held liable therefor
to affect the same they pray that
Samuel Trett be made a party
defendant hereto & answer the
same but he need not do so
upon oath that being waived
and on a hearing a decree be
rendered in conformity with
the object & purposes of this bill
And for all other further and
general relief. May your
issue &c.

Frederick Sewall.
P. 9.

P.S.

M. C. Carson's act

v Bill in Chy

Samuel Fretz

1896 2nd May rules bill
filed & pa 2 executed
D. J.

" 1st June rules taken
the last Monday in
May & J. Conf. & Cause
set for hearing

To the Hon. W. J. Miller Judge of
the Circuit Court of Lee County Va
The amended and Supplement-
al Bill of these ~~resp~~ Com-
plainants to a bill filed in this
Hon. Court by them against
Samuel L. Pitt. They insist up-
on the said original Bill and
make it same a part thereof
as fully as if set out at length
By which it will be seen the
object thereof is to collect a
purchase money note fully de-
scribed in said original bill.
But by a decree rendered there-
in it was ordered that your
Complainants make the heirs
of M. C. Parsons deceased parties
Defendants hereto, so that the
title might pass out of them &
this is the object of this amend-
ment. Your Complainants file
their own deed & the deed of
H. J. Russell vendor of George W.
Parsons, herewith as an escrow
to be delivered upon full pay-
ment, and this is all of said
adult heirs, Rebecca Parsons

Wheeler P. Parsons and Parsons
are infants, for whom a Com-
mittee have to be appointed to Con-
vey their part.

The object of this ^{amended} bill there-
fore is to have the heirs at law
of M. C. Parsons declared made
parties hereto and that they the
adults file their deed of Con-
veyance to said tract of land
set out in the original bill
and file the same as an es-
crow herewith to be deliv-
ered upon the payment of the
said purchase money set out
in the original Bill - That a
Court be appointed to convey
the undivided interest of the said
infants -

To effect which they pray
that H. J. Russell as vendor of
George W. Parsons, Ellen J. Russell
Ira Russell, Rebecca Parsons
Wheeler P. Parsons and Bessie A
Parsons be made defendant
hereto. That the adults answer
& file therewith their deed of

escrow. That a guardian ad
litem answer & defend said
infant and on a hearing a
Court be appointed to ~~ans-~~
~~er~~ convey by a proper deed
the said infant's interest
therein. And that the prayer
of the original bill be
granted in said land sold
as therein prayed for. And
for all other further & General
Relief May *Supra* issue &c.
Prayer & Sentence

Jessie & Russell
admiral
v. { Amended Bill

Samuel Tritt et al

To the Hon. W. J. Miller Judge
of the Circuit Court of Lee
County Va.

The joint answer of
H. J. Russell Eva Russell and
Ellen Jesse, to an amended bill
filed against them & others by
the personal representatives of
M. C. Parsons deceased.

Respondents are advised that
it is proper for them to make
the conveyance prayed for, and
they therefore make & file a deed
of conveyance to the land sold
as in the original bill men-
tioned conveying their own &
Geo. W. Parsons' interest - which
they so file the same as an
escrow to be delivered upon
the payment of said Purchase
money. And having now
fully answered they pray to be
dismissed with their costs.

Obedience & Service

Ellen J. Case et al

Adm. Answer.

M. C. Parsons adm

To the honorable W.T. Miller judge of the Circuit Court of Lee
County Virginia:

The demurrer and answer of Samuel Tritt to a bill exhibited against him in this honorable court by H.J. Russell and J.C. Jessee, administrators of the estate of M.C. Parsons, deceased:

Respondent says that complainant's bill is not sufficient in law to call upon him to answer in this court, and of this he prays judgment &c.

But should other and further answer be required, answering he ~~xy~~ says that it is true that he executed the bond in the said bill mentioned; that said bond was executed as a balance of the purchase price of a tract of land purchased by him from complainants' decedent. It is true that said bond became due on the 1st day of ~~March~~ March 1895 and that it is subject to the credits thereon endorsed, and perhaps some others, though of this respondent is not certain, and if he is entitled to any such further credits he will attempt to show the same by proper evidence. It is further true that the said M.C. Parsons did not convey said lands to respondent, but he executed a title bond binding himself to make a good and sufficient deed thereto, which bond is filed herewith as a part hereof marked "Bond". By an inspection of this bond it will be seen that as a part of said bond and a part of the contract of the sale of said land to your respondent, that the said M.C. Parsons was to give to your respondent or whoever may purchase from him a road or a right of way through his, the said Parsons' land on the South side of Powell's River from the canoe landing above the big spring outside of the blank fence up the river to the old road, and thence with the old road to the main road. As before said the said Parsons failed to make a conveyance of said land in his lifetime and has consequently failed to convey said roadway, and before his death he conveyed the land through which this road-way runs to his daughter, Eva Russell. Said Parsons left at the time of his death a Widow ^{F.E. Parsons} and the following children, Ellen, who intermarried with J.C. Jessee, Eva, who intermarried with H.J. Russell, Rebecca, who is unmarried and an infant, George W., and Whe-

ler P., who is also an infant, and since the said Parsons' death another child has been born to his said widow, who is also an infant named _____, to whom the legal title of his un-conveyed lands descended. Respondent is ready to comply with the terms of his said contract and to pay the balance due from him on said land whenever he can get good and sufficient title thereto.

And now having fully answered, respondent prays to be hence dismissed with his costs &c.

Duncan V. Hyatt, p.d.

Know all men by these presents that M. B. Parsons have sold and firmly bound unto Samuel Tritt in the full and full sum of Five thousand dollars to which payment I bind my heirs, family by these presents, Witness my hand & seal
Nov 7th 1887.

The condition of the above obligation is such that Whereas the said M. B. Parsons has this day sold to the said Samuel Tritt a certain tract or parcel of Land situate and lying on the North Side of Powell's river in Lee County and is the same tract of which Mary T. Tritt is now living containing about 150 acres

And if the said Parsons shall make or cause to be made a good and sufficient deed to said land then this obligation to be void & void otherwise to remain in full force & effect.

M. B. Parsons Seal

Witness

W. S. Hurst

It is further agreed as a part of the above writing that I am to give and to hereby give said Tritt or whoever may purchase from him a road or right of way through my land on the North Side of Powell's river from the corner beginning above the Big Spring out side of the plank fence up the river to the old road and thence with the old road to the main road

M. B. Parsons

"Bowl"

M. C. Parsons' Advers

vs { Answer of
 { Samuel Lritt.

Samuel Lritt.

Filed in open court
and be leave thereof

June 2nd 1896.
W B Munsey Clk

In the Circuit Court of the County of Lee :

The answer of Rebecca Parsons, Wheeler P. Par-
sous and Bessie A. Parsons

infants under the age of twenty-one years, by L. T. Hyatt (a discreet
and competent attorney at law), their guardian *ad litem* assigned to defend them in this suit, and the answer
of the said L. T. Hyatt, guardian *ad litem* of the said infant defendants,
to a bill of complaint exhibited against the said infants and others by M. C. Parsons'
Admrs. in the Circuit Court of the County of Lee

For answer to the said bill the said infant defendants by their said guardian *ad litem* answer and say that
being of tender years they do not know what their true interests are in relation to the subject matter of the
said bill, nor do they know whether the statements therein contained are true or not. They confide the pro-
tection of their interests therein to the care of the court. And the said guardian *ad litem* of the said infant
defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of
the statements in the bill contained. He prays full protection for the infant defendants. And now having
fully answered, these defendants pray to be hence dismissed with their costs, etc.

Rebecca Parsons
Wheeler P. Parsons
Bessie A. Parsons } By L. T. Hyatt
Guardian *ad litem*.

L. T. Hyatt } Guardian *ad litem* of the said infants.

STATE OF VIRGINIA,
County of Lee } ss.

Sworn to before me in my County aforesaid by L. T. Hyatt
guardian *ad litem* as aforesaid, this the 9th day of Novr. A. D. 1896.

M. G. Ely — , N. P.

M. C. Parsons' Ex'rs.

vs.

ANSWER OF INFANT DEFENDANTS BY
THEIR GUARDIAN AD LITEM, AND
ANSWER OF THE GUARDIAN AD
LITEM FOR THE INFANTS.

Sam'l Little et als.

Filed *Nov. 9th* 1896.

Wm. Parsons' Admors

23.

Samuel Litt et al.,

This cause came on this day to be finally heard upon the papers formerly read herein, and was argued by counsel. The plaintiffs admitting that the purchase money heretofore decreed to be ~~been~~ paid by the defendant, Litt, to the plaintiffs has been fully paid, it is adjudged, ordered and decreed that the cause be stricken from the docket.

Parsons' Admiration
v3 3 scarce final
Samuel Little et al.

Exc. C. O. B. No. 6 p 12.

Center
N. J. M.
June 14th 1877

M .C.Parson' Advers.

vs.

Samuel Tritt, et als.

The order of continuance made in this case at a former day of this term is set aside. And thereupon said cause came on to be heard upon the papers formerly read, and the report of L.T.Hyatt, Comr and deed filed therewith, and was argued by counsel. And there being no exceptions to said report or deed, it is adjudged ordered and decreed that they each be confirmed. And the said Samuel Tritt is permitted to withdraw said deed and the deed of J.C.Jessee & wife and other when he pays the purchase money heretofore decreed against him in this cause, and said cause is continued.

M. C. Parsons' Advers

vs $\frac{3}{3}$ Deere

Samuel Litt et al

Entered in O.B. No. 4
p 492.

Ex. Lib. This

10, 2, 11

Nov 11 1886

On motion of the plaintiff, ^{L. Hyatt} is appointed guardian
ad litem for Rebecca Parsons Wheeler P. Parsons
& Bessie A. Parsons, infant defendants & on his
motion leave is granted him to file his answer
which is accordingly done & thereupon

M. C. Parsons admits
Against ^{Isaiah}
Samuel Tritt et al
2 This Cause
Came on again to be heard
upon the papers formerly
read, and the amended bill
of the plffs and the answer
of L. S. Hyatt guardian ad
litem of the infant, defend-
ant, Rebecca Parsons Wheeler P.
Parsons and Bessie Parsons - and the
answer of H. J. Russell Eva
Russell, and Ellen Lessee and
replication to each of said
answers and was argued by
Counsel -

On consideration of
which and for reasons ap-
pearing to the Court, the deed
of H. J. Russell Eva Russell
and Ellen Lessee filed with
their answer being unexcepted
to is approved and directed to
remain on file as an escrow
to be delivered upon the pay-
ment of the purchase money
hereinafter decreed to be

paid and said L. T. Hyatt
who is hereby appointed a
Special Commr, for the purpose
will make ~~execute~~ file a
similar deed for and upon
the part of said infant to
the said land as set out in
the deed of H. J. Russell et
al, and file the same as an
escrow herewith & report the
same to this Court

It is thereupon adjudged
ordered & decreed that ~~Samuel~~
J. C. Jesse & H. J. Russell as
admins of the estate of M. C.
Parsons deceased recover from
Samuel Tritt the sum of
One thousand dollars (\$1000.00)
and legal interest thereon from
Jan¹ 1888, till paid and the Costs
of this Suit. Subject to the
following Credits upon said note

\$60.00	paid	Jan 1 st	1889
\$40.00	"	Apr. 24	1889
67.50	"	Sept. 11	1890
100.00	"	Feb. 3	1891
100.00	"	Jan 1	1893

\$100. ⁰⁰	paid	Feb. 13 th ,	1893
60 "	"	17 7	1894
40 "	"	Mar 5	1895
28. 20 "	"	Aug. 28	1895-

(This cost the Jacob Hull note)
 And unless the said Samuel
 Tritt or some one else for him
 pay said sums of money within
 30 days from the rising of this
 Court, then D. C. Sewell who
 is hereby appointed a special
 Comr for the purpose will sell
 said land or so much as may
 be necessary to pay the same
 He will make sale on some
 Court-day in front of the
 Court-house door on a credit
 of one or two years except so
 much as may be necessary to
 pay the cost of suit & sale he
 will require. paid in hand
 and for the residue take bond
 payable to himself as Comr,
 bearing interest from day
 of sale.

But he will not execute this
 decree until L. J. Hyatt Comr
 makes & file the due required of him

He will then execute bond before the Clerk of this Court in a penalty of \$1500 Conditioned as the Court direct. He will then advertise the same for at least 30 days in the front cover of the Court House of this County & at one or more public places, one of which shall be in the neighborhood of where the land lies setting out time terms & place of sale. He will report his action to this Court at a future term & this cause is continued.

M. C. Parsons adms

no } Decree for
Rule —

To the
Samuel Trill

Nov 7. 1896

Entered in index
O.P. No. 4 p. 479 & 80.

Cont in this

Nov 9th 1896

M. C. Parsons adms pff } In shy
against }
Samuel Titt deft }

This cause
came on this day to be heard
upon the bill of the pff and
the answer of the defendant, &
it appearing from said ans-
wer that there are others who
should be made parties to the pff
bill. On motion of the pff
leave is given them to so amend
their bill as they may be ad-
vised & to file the same at rule on
which process may issue & the
cause is continued..

M. C. Parsons actm

v} Decree

for Amendment.

Samuel Tritt et al

June 7, 1896

O.B. P. 448

Enter this:

June 6, 1896.

N. 7111

Virginia,

In the Circuit Court of Lee County:

M. C. Parsons' Admrs.

vs.

In Chancery.

Samuel Tritt et als

To The Hon. W. T. Miller, Judge of said Court.

The undersigned begs leave to report as follows:

I was appointed, by a decree rendered, in the above styled Chancery cause on the 9th day of Nov. 1896, a Commissioner, and as such directed, to convey to Samuel Tritt the undivided interests of Rebecca Parsons, Wheeler P. Parsons and Bessie A. Parsons, ~~in a certain Tract of land~~ infant heirs at law of M. C. Parsons, deceased, in a certain Tract of land sold by said M. C. Parsons, in his lifetime, to the said Samuel Tritt, also the interests of the said infants in a certain road or right of way.

I have prepared, executed and acknowledged a deed as required by said decree, and I here file the same for ~~the~~ inspection, approval, and delivery by the Court.

M. C. Parsons' Adams.

vs. $\frac{3}{2}$ Report

Samuel Fritt et al
of L. J. Hyatt, Comr.
showing deed.

Filed Nov 10 1896.

A B Munsey

Received Nov 10 1896.

Very Respectfully Submitted,
L. J. Hyatt, Comr.

\$1000.00

On or before the first day March 1898 I
promise to pay to M.C. Parsons the sum of one
thousand dollars as a payment on a tract
of Land this day bought from him and I
Waive as to this note my homestead exemption.
It is agreed that the interest on this note
shall begin to run Jan 1st 1888 and to
be paid at the end of each year thereafter.
Witness my hand & seal March 7 1888.

Samuel T. Atwood

Samuel T. Atwood
Witness
March 7 1888

Credit the within sixty dollars
this Jan 1st 1889

Credit the within forty dollars
this April 24th 1889

Credit the within note sixty
seven dollars and 50 cents the the
11th of Sept 1890

Credit the within note one hundred
dollars Feb. 3rd 1891

Credit to within note one hundred
dollars, Jan. 1st 1893

Credit the within note one hundred
dollars July 13 1893

Cr. the within note Sixty Dollars Feb. 7, 1894

Cr the within note forty Dollars cash this March

Cr by balance on Jacob. H. & Co. note \$25⁰⁰ - Aug 8th 1895

3rd Jan 1st 1894

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon

Samuel Lritt

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *3rd* Monday in *May*, 189*6*, to answer a

bill in Chancery, exhibited against *him* in our said court by

*J. C. Russell & H. J. Russell administrators
of the estate of M. C. Parsons deceased*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *16th* day of *May*, 189*6* and in the
120th year of the Commonwealth.

A. B. Munsey Clerk.

J. B. Jesse et al adms

SUPCENA.

vs. {

IN CHANCERY.

Samuel Tritt

Frederick & Sewell p. q.

To 2nd May Rules.

CIRCUIT COURT.

I Executed the
within writ May
16th 1894 By delivery
an attested office
Copy of the within
Summons to Samuel
Tritt in Lee Co Va
W. P. Weston S.C.

Clerk
Sheriff
G.A.H.
Comm.
Atty

\$6.08

50

5.00

5.00

15.00

31.58

M. C. Parsons Adm.

3 } Chy
2

Samuel Fitt.